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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,019	08/20/2003	David P. Wieczorek	51252-5029-01	5187
7590 01/12/2007 Siemens Corporation Intellectual Property Department			· EXAMINER	
			KIM, CHRISTOPHER S	
170 Wood Avenue South Iselin, NJ 08830		•	ART UNIT	PAPER NUMBER
,			3752	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE
2 MO	NTUS	01/12/2007	DADED	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

			$\mathcal{C}_{\mathcal{C}}$
		Application No.	Applicant(s)
Office Action Summary		10/644,019	WIECZOREK ET AL.
		Examiner	Art Unit
		Christopher S. Kim	3752
<i> The MAILING</i> Period for Reply	DATE of this communicat	tion appears on the cover sheet wit	th the correspondence address
WHICHEVER IS LO - Extensions of time may be after SIX (6) MONTHS fro - If NO period for reply is sp. - Failure to reply within the Any reply received by the	NGER, FROM THE MAIL e available under the provisions of 3' im the mailing date of this communic pecified above, the maximum statuto set or extended period for reply will,	LING DATE OF THIS COMMUNIC 7 CFR 1.136(a). In no event, however, may a re- ation.	pply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).
Status			
1) Responsive to	communication(s) filed o	n <u>09 June 2005</u> .	
2a) ☐ This action is		☐ This action is non-final.	
3) Since this app	lication is in condition for	allowance except for formal matte	ers, prosecution as to the merits is
closed in acco	ordance with the practice	under <i>Ex parte Quayle</i> , 1935 C.D.	. 11, 453 O.G. 213.
Disposition of Claims			
4)⊠ Claim(s) <u>6-9 a</u>	nnd 20-29 is/are pending i	n the application.	
4a) Of the abo	ve claim(s) <u>6-9,28 and 29</u>	is/are withdrawn from considerat	ion.
5) Claim(s)	_ is/are allowed.		
6)⊠ Claim(s) <u>20-27</u>			:
,	_ is/are objected to.		
8) Claim(s)	_ are subject to restriction	n and/or election requirement.	
Application Papers			
· — ·	on is objected to by the E		
		☐ accepted or b)☐ objected to b	
, ,		n to the drawing(s) be held in abeyan	
•		•	s) is objected to. See 37 CFR 1.121(d)
11) I ne oath or de	ciaration is objected to by	the Examiner. Note the attached	Office Action of form PTO-152.
Priority under 35 U.S.C	C. § 119		
· · · · · · · · · · · · · · · · · · ·	ent is made of a claim for ome * c)⊡ None of:	foreign priority under 35 U.S.C. §	119(a)-(d) or (f).
1.☐ Certified	d copies of the priority do	cuments have been received.	
1 001111101	d copies of the priority do	cuments have been received in A	pplication No
_	h		
2. Certified	•	he priority documents have been	received in this National Stage
2.☐ Certified 3.☐ Copies	of the certified copies of t		received in this National Stage

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

4) Interview Summary (PTO-413) Paper No(s)/Mail Date. ____

6) Other: _____

5) Notice of Informal Patent Application

Application/Control Number: 10/644,019

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DETAILED ACTION

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Election/Restrictions

- 1. Applicant's election of Invention II, Species A in the reply filed on June 9, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
- 2. Claims 6-9, 28 and 29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention and/or Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 9, 2005.

Claim Objections

3. Claim 23 is objected to because of the following informalities: in line 5, --the--should be inserted before "seat". Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claims 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "minimum" in claim 20 is a relative term which renders the claim indefinite. The term "minimum" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is uncertain what range of temperature gradient is being defined by the claim.

Claim 23 recites the limitation "fuel passageway" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Tanasawa et al. (4,365,746).

Tanasawa discloses a method comprising:

providing a needle 6;

selecting a body 1 to surround the needle 6 and form a body passage 7.

8.

8. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Horsting (5,207,384).

Horsting discloses a method comprising:

providing a needle 18;

selecting a body to surround the needle 18 and form a body passage (see figure 1).

Claim Rejections - 35 USC § 103

- 9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 10. Claims 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanasawa et al. (4,365,746).

Tanasawa discloses the limitations of the claimed invention with the exception of the average cross sectional area of the body passage and the cross sectional area of the needle. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided an annulus outer diameter that is no less than 100% greater than the inner diameter and a body passage area less than 2.25 time the area of the needle in the device of Tanasawa to control fuel flow volume.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571)

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272-4905. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher S. Kim Primary Examiner Art Unit 3752